

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA

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STATE OF NEBRASKA  
DEPARTMENT OF EDUCATION

Joe E. Lutjeharms, Commissioner )  
Department of Education )  
301 Centennial Mall South, 6th Fl., )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933, )

Case 92020

Petitioner, )

vs. )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND FINAL ORDER

Lawrence S. Gorman )  
Unlimited Potential )  
425 Delmar )  
Sterling, CO 80751 )

Respondent. )

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on July 20, 1992 by Joe E. Lutjeharms, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner". The Petition was filed against Lawrence S. Gorman, hereinafter referred to as "Respondent". The Petition alleged certain acts of conduct by Respondent in violation of Title 92, Nebraska Administrative Code, Chapter 27, Section 004.05B (effective date: December 25, 1989) which states that "the educator shall not misrepresent his or her professional qualifications."

Also on July 20, 1992, the Petitioner, through its certification counsel gave Respondent notice of his right to submit an answer to the Petition within twenty-one days. Although the Respondent has not filed a formal answer, on July 28, 1992, he sent a two page letter to Robert Wagner, Executive

Director of the Nebraska Professional Practices Commission, setting forth his position respecting the Complaint, and requesting a continuance of the designated hearing date. The Respondent further requested a prehearing conference, which was held on August 27, 1992 at 2:00 p.m. Participating in the conference were the Commission Executive Director, Brian Halstead, Attorney for the Petitioner, and the Respondent pro se. An Order reflecting the action taken thereat was entered by the Executive Director of the Commission on August 31, 1992, and is incorporated herein by reference.

On August 31, 1992, the Executive Director of the Commission issued a Notice of Hearing, advising the parties that hearing would be held at 9:00 a.m. on the 28th day of September, 1992 in the State Board of Education Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, and advising the parties of the composition of the Hearing Committee. At such time and place, the case came on for hearing before Sherry Campbell, Chairperson, and Carolyn Grice, and Barbara Blackburn as committee members. Samuel Van Pelt served as legal counsel to advise the Chairperson in the performance of her duties, Robert Wagner, Executive Director of the Commission appeared, Brian Halstead appeared on behalf of the Petitioner, Lawrence Gorman appeared pro se, and the proceedings were recorded by Gloria Sapp of General Reporting Services. Opening statements were made, evidence received, the parties rested and closing arguments were made. Thereafter, the

Committee adjourned, took the case under submission and discussed the evidence and applicable law.

The Committee, after considering all of the evidence received, together with the final arguments of the parties, made their recommendation to the Commission. On November 14, 1992, the Nebraska Professional Practices Commission, at a regular meeting, after deliberation adopts the following findings, conclusions, and final order:

## II. FINDINGS OF FACT

The Commission makes the following findings of fact:

1. The Petitioner is the Commissioner of Education of the State of Nebraska.

2. The Respondent, Lawrence S. Gorman, holds a Nebraska public school certificate number -1090, Type II, Rank C, Level 7, endorsed in sociology 7-12, physical education 7-12, and guidance and counseling 7-12, with an expiration date of August 31, 1995.

3. During the years 1990 and 1991, Respondent was working for an organization entitled Unlimited Potential, and in such capacity was providing consulting services to Educational Service Unit #14. In so doing, he signed approximately 17 multi-disciplinary team reports involving special education or potential special education students as a psychologist, when in fact he was not so licensed by the State of Nebraska, Department of Health, the State Department of Education, or any other similarly state licensing authority, and at such time did not

have the educational requirements to be called a psychologist.

4. Such conduct was done with the full knowledge and consent of Educational Service Unit #14, and several school districts served by said Educational Service Unit. Such action was taken by the Respondent to assist and accommodate said Educational Service Unit and school districts.

### III. DISCUSSION

The applicable standard of professional conduct states that an educator shall not misrepresent his professional qualifications. By signing numerous reports as a psychologist, Respondent misrepresented his professional qualifications, as he was not and has never been a licensed psychologist. However, the record reveals that the Respondent took steps to explain to individuals that he was not a psychologist, and the action was taken to assist the Educational Service Unit and the school districts involved. The signature was made on approximately 17 out of 100 reports, and all reports that were erroneously signed have been corrected. Accordingly, the Commission feels that suspension or termination of the Respondent's certificate would be too harsh a discipline.

The Commission believes that a reprimand, which is a public sanction criticizing or rebuking the certificate holder, would be more appropriate than an admonishment, which is a private sanction to the certificate holder that further professional or unethical conduct may result in more serious action. Although the Commission recognizes the work load of and lack of resources

available to Education Service Units and school districts throughout the State of Nebraska, those conditions never justify the inappropriate or untruthful execution of documents, cutting of corners, or proceeding in an unauthorized manner. The evidence reveals that the Respondent was not the only culpable person or entity.

At the close of the hearing, the attorney for the Petitioner moved, and the Respondent concurred, that Exhibit 7 be sealed and not opened to public examination, except to the extent that it is necessary as an exhibit and item of evidence to be considered by the Commission in its entirety, and by the State Board of Education.

#### IV. CONCLUSIONS OF LAW

A. The Commission has jurisdiction in this case and all proceedings have been in conformance with applicable constitutional, statutory, and regulatory requirements.

B. The Petitioner has proven by a preponderance of the evidence that Lawrence S. Gorman, during the years 1990 and 1991, violated Title 92, Nebraska Administrative Code, Chapter 27, Section 004.05B (effective date: December 25, 1989).

C. That the document received in evidence as Exhibit 7 be sealed and not opened to public examination, except as may be necessary to be reviewed as an item of evidence by the entire Commission and the State Board of Education.

V. Order

The Nebraska Professional Practices Commission orders that Lawrence S. Gorman, holder of Nebraska public school certificate number 1090, Type II, Rank C, Level 7, endorsed in sociology 7-12, physical education 7-12, and guidance and counseling 7-12, with an expiration date of August 31, 1995, be publicly reprimanded, sanctioned and criticized for unprofessional conduct in signing 17 multi-disciplinary team reports for Educational Service Unit #14 as a psychologist, when in fact he was not and knew that he was not a psychologist.

Dated this 22<sup>nd</sup> day of November, 1992.

NEBRASKA PROFESSIONAL PRACTICES COMMISSION

By: Sherry Campbell  
Sherry Campbell, Chairperson  
Nebraska Professional Practices Commission

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Findings of Fact, Conclusions of Law, and Final Order dated November \_\_\_\_\_, 1992 for Case #92020, has been served upon Brian Halstead, Attorney for the Petitioner, Nebraska Department of Education, 301 Centennial Mall South, Lincoln, NE, 68509-4933, and Lawrence S. Gorman, Unlimited Potential, 425 Delmar, Sterling, CO, 80751, Respondent, by U.S. Mail, postage prepaid on this 20<sup>th</sup> day of November, 1992.

Robert Wagner  
Robert Wagner, Executive Director  
Nebraska Professional Practices Commission